

By: Dutton

H.B. No. 2015

A BILL TO BE ENTITLED

AN ACT

relating to searches, seizures and raids by Special Weapons and Tactics teams.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.1371, Code of Criminal Procedure, is added to read as follows:

Art. 2.1371. PROVISION OF BODY CAMERAS TO SPECIAL TEAMS. A department may not create or administer a Special Weapons and Tactics team or unit unless every officer on that unit is equipped with a body camera and the department has instituted policies and procedures to ensure that body cameras are turned on and recording during all unit action and remain on until the action is concluded by the arrest of all persons or at the time that all police personnel have left the premises. Body camera video shall otherwise be governed by Occupations Code Art. 1701.655 and Article 2.1396, Code of Criminal Procedure.

SECTION 2. Article 2.1383 and Article 2.1384, Code of Criminal Procedure, are added to read as follows:

Art. 2.1383. STANDARDS FOR DEPLOYMENT OF SPECIAL WEAPONS AND TACTICS TEAMS (SWAT). (a) In this article, a "Special Weapons and Tactics team" is defined as a designated team of law enforcement officers who are specifically trained and equipped to work as a coordinated team to respond to critical incidents, including, but not limited to, hostage taking, barricaded suspects, snipers,

1 terrorist acts, and other high-risk incidents, regardless of the
2 name an agency gives to such team.

3 (b) A department administering a Special Weapons and
4 Tactics team shall institute policies designed to limit the
5 deployment of that team to situations involving an imminent threat
6 of serious bodily injury to civilians or officers. The
7 determination to deploy a Special Weapons and Tactics team shall be
8 based on consideration of evidence for an imminent threat to a
9 persons or officers, and that the conditions are such that the
10 suspect cannot reasonably be apprehended using routine methods.
11 The existence alone of a legally owned gun in the home of an
12 individual does not constitute evidence of an imminent threat.
13 When SWAT is deployed for a pre-planned warrant service or for an
14 incident not involving ongoing violence, the basis for believing an
15 imminent threat exists should be reviewed and approved by a
16 supervisor at the level of Captain or above before the deployment,
17 to include justification for warrant execution between the hours of
18 sunset and sunrise.

19 Art. 2.1384. REPORTS REQUIRED FOR SPECIAL WEAPONS AND
20 TACTICS TEAM DEPLOYMENTS. (a) All departments administering a
21 Special Weapons and Tactical team shall annually report information
22 about team deployments and training to their local governing body.

23 (b) The Texas Commission on Law Enforcement by rule shall
24 create a training curriculum and standards for certification as a
25 SWAT team member, and for in-service training requirements for SWAT
26 certified officers and for SWAT teams.

27 (c) The Texas Commission on Law Enforcement by rule shall

1 create a form for use by departments for reporting to the local
2 governing body, which may require additional reporting, but the
3 report must include at least the following information about
4 Special Weapons and Tactics Team's:

5 (1) the date on which the team was deployed;

6 (2) the location where the incident occurred;

7 (3) the specific reason for the deployment including a
8 short description of the evidence of ongoing violent conduct
9 including the existence of a tip by an undercover or anonymous
10 informant;

11 (4) a listing of military or forcible entry equipment
12 used, if any;

13 (4) if known, the age, gender, and race or ethnicity of
14 each injured or deceased person involved in the incident;

15 (5) a list of any controlled substances, weapons,
16 contraband, or evidence of crime found on the premises or any
17 individuals;

18 (6) whether any person used, exhibited, or was
19 carrying a deadly weapon during the incident;

20 (8) whether the incident occurred as a result of a drug
21 investigation.

22 (9) the training received by the SWAT team
23 collectively and for the SWAT officers individually.

24 SECTION 3. Article 2.1396, Code of Criminal Procedure, is
25 amended to read as follows:

26 Art. 2.1396. VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION
27 OFFENSES OR PERSONS SUBJECT TO ARREST, DETENTION OR INJURY BY A

1 SPECIAL WEAPONS AND TACTICS UNIT. A person stopped or arrested on
2 suspicion of an offense under Section 49.04, 49.045, 49.07, or
3 49.08, Penal Code, a person whose arrest or detention is the result
4 of a Special Weapons And Tactics operation, or an immediate family
5 member of a person who suffered serious bodily injury or died as a
6 result of a Special Weapons and Tactics operation is entitled to
7 receive from a law enforcement agency employing the peace officer
8 or officers who made the stop or arrest or conducted the operation a
9 copy of [~~any~~] all video or audio recordings made by or at the
10 direction of the officer that [~~contains footage of~~] recorded:

- 11 (1) the stop or other police action;
- 12 (2) the arrest;
- 13 (3) the conduct of the person [~~stopped~~] during any
14 interaction with the officer, including during the administration
15 of a field sobriety test; or
- 16 (4) a procedure in which a specimen of the person's
17 breath or blood is taken.

18 SECTION 4. The Texas Commission on Law Enforcement shall
19 adopt the rules required by Section 2.1384, Code of Criminal
20 Procedure, as added by this Act, not later than December 1, 2019.

21 SECTION 5. This Act takes effect September 1, 2019.